IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5347 OF 2005

Smt.Sharmila Rajesh Pawar ..Petitioner

Vs.

Shri Rajesh Vasantrao Pawar ..Respondent

Mr.Rajesh More for the petitioner

CORAM : S.U.KAMDAR, J
DATED : 21ST NOVEMBER, 2005

P.C.:

. The present Writ Petition is filed challenging the order dt. 14.7.05 granting the amendment to the plaint. The only ground of challenge is that the amendment is sought to be brought is of inconsistent nature. By the present petition, the original application for Restitution of Conjugal rights has been sought to be converted as petition for divorce. In view of the series of the Judgments of the Supreme Court which are followed by me in my Judgment reported in 2005 2 MSLJ 700 in the case of Lok Housing and Construction Ltd Vs. Everest Industries Ltd. this court has held that the amendment under Section 17 must be permitted liberally and the sole object

should be to avoid multiplicity of the proceeding. In that view of the matter, there is no substance in the petition. Petition dismissed accordingly. No order as to costs.